

REMARKS

This is in response to the Office Action mailed July 26, 2006.

Applicant's declaration under 37 CFR 1.132 is discussed in the office action wherein it is urged that the declaration is not persuasive because "what was readily contemplated in the past by ordinary skilled artisans should be novel today simply because the stock used is simply not preferred, or now manufactured, but never admittedly ruled out."

Whether anyone has tried to use thin stock for tickets does not focus the issue. The declaration provides evidence that no one has ever successfully provided tickets being formed from a substrate having a caliper characteristic between 5 and 8 points and an opacity characteristic of less than 98%. The requirements to manufacture tickets of this caliper and opacity is what is claimed, not simply providing tickets of thin caliper.

The Rejections.

Claims 1-5, 11, 12, 16, 17, 19 and 15-18 are rejected under 35 U.S.C. 103(a) as unpatentable over applicant's submission of prior art (ASPA) in view of McCall (U.S. Patent No. 6,322,667). The office action urges that it would have been obvious to modify ASPA by providing McCall's paper of 7.3 points and 98.1% opacity. It would not have been obvious to use McCall's paper since the paper disclosed by McCall has a composition not suitable for tickets. Also, even if such combination were achieved it would not be grounds for rejection since the claims assert an opacity of less than 98%.

Claims 21, 24 and 27 are rejected under 35 U.S.C. 103(a) as unpatentable over Barnes (U.S. Patent No. 4,270,774) in view of McCall. The office action urges that it would have been obvious to modify Barnes by providing McCall's paper. As noted above, it would not have been obvious to use McCall's paper since the paper disclosed by McCall has a composition not suitable for tickets.

Claim 23 is rejected under 35 U.S.C. 103(a) as unpatentable over Barnes in view of McCall and Shoemaker (U.S. Patent No. 6,796,487). Claim 23 is dependent on claim 21 and avoids the prior art for at least the same reason as claim 21.

Claim 25 is rejected under 35 U.S.C. 103(a) as unpatentable over Barnes in view of McCall and Greenaway (U.S. Patent No. 4,143,810). Claim 25 is dependent on claim 24 and

avoids the prior art for at least the same reason as claim 24.

Claim 26 is rejected under 35 U.S.C. 103(a) as unpatentable over Barnes in view of McCall and Horniak (U.S. Patent No. 5,211,093). Claim 26 is dependent on claim 24 and avoids the prior art for at least the same reason as claim 24.

In view of the above, it is submitted that all of the pending non-withdrawn claims are in condition for allowance and such action is, respectfully, requested.

If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (35481-73372).

Respectfully submitted,
BARNES & THORNBURG LLP

A handwritten signature in cursive script, appearing to read "Richard B. Lazarus".

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